

RESPONSE

This is a response to the Final Office Action dated September 15, 2006. Claims 1-25 are pending in the application. In the Office Action, the Examiner rejected claim 24 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 5,859,596 ("McRae"). Claims 1, 3-21 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McRae in view of Applicant's Admissions of the prior art. Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over McRae in view of Applicant's Admissions of the prior art and further in view of Macrodyne Inc. Model 1690 Phasor Measurement Unit Product Description ("Macrodyne"). Claims 22 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McRae in view of Power System Applications for Phasor Measurement Units ("Burnett").

The rejections from the Office Action of September 15, 2006 are discussed below in connection with the various claims. With this response, claims 1, 9, 21 and 24 have been amended for clarity. No new matter has been added. Reconsideration of the application is respectfully requested in light of the following remarks.

I. REJECTIONS UNDER 35 U.S.C. § 103(a)

A. McRae in view of Applicant's Admissions of prior art

Claims 1, 3-21 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McRae in view of Applicant's Admissions of the prior art. The Examiner stated that page 14, paragraph 80 lines 1-3 of the substitute specification was an admission of the prior art. Applicants' submit that independent claims 1, 21 and 24, as amended are in condition for allowance.

McRae discloses "a plurality of monitoring devices...connected to respective pieces of switchyard equipment and associated with a common communications network. A remote host computer is connected to the network to bi-directionally communicate with each monitoring device. The communications network is the existing power line used for delivering power and control signals to the switchyard equipment. Each monitoring device includes testing and/or monitoring circuitry for testing and/or monitoring one or more

conditions of the piece of switchyard equipment and generating condition data therefrom, a storage device for storing the generated data, and a transmitter adapted to transmit the data to the remote location via the power line. The remote host computer receives the data transmitted to the remote location and stores the received data therein in a database format. The monitoring device can request previously sent data from the remote host computer. The monitoring includes an RS-232 port for accepting a local computer which conducts tests of the switchyard equipment, analyzes the results, compares the results with previous tests, and reprograms alarm parameters and baseline values associated with the switchyard equipment.”
McRae, Abstract.

The Applicant respectfully disagrees that McRae in view of the Applicant’s admissions of prior art discloses all elements of the claims. Specifically, there is no disclosure that each communication port of said plurality of communication ports includes at least one communications parameter operable to configure said communication port, further wherein said at least one communications parameter of a first communication port of said plurality of communications ports is configurable independent of a configuration of said at least one communications parameter of a second communications port of said plurality of communications ports as in amended independent claims 1, 21 and 24. McRae does disclose communications that “occur by asynchronously polling each monitoring device 18 by the remote host computer 22” McRae, Col. 7, ll. 25-26. Further, McRae also discloses that “[after] all network configuration information has been entered into the remote host computer 22, each monitoring device 18 must be activated before it can begin to acquire data and be allowed to respond to requests for data from the remote host computer 22. McRae, Col. 7, ll. 40-44. However, there is no disclosure of communications parameters that are operable to configure the communications port and that each communications parameter is independent of the parameters for other ports as in independent claims 1, 21, and 24. In other words, communications discussed in McRae do not include parameters operable to configure a communication port that are independent of other parameters. McRae, Col. 7, ll. 39-63.

In addition, there is no disclosure that “*each* of the plurality of communication ports of said first device are further operable to communicate with at least one of the plurality of communication ports of said second device over said digital network” as in claims 1, 21 and 24 (emphasis added). The alleged admission of “suitable hardware, such as RS-232, RS-485, Ethernet or other industry standard communications ports” discloses nothing more than multiple communication ports on a device. Substitute Specification, ¶ 80, ll. 1-3. However, McRae does disclose a plurality of communication ports. Specifically, in Figure 4, the Monitoring Device 18 has an RS-232 Port 47 and a node 48, which may be considered a communication port. However, the RS-232 Port 47 is not connected to the digital network and the claims disclose that “*each* of the plurality of communication ports of said first device are further operable to communicate with at least one of the plurality of communication ports of said second device over said digital network” (emphasis added). The RS-232 Port 47 is a communication port that is *not* “operable to communicate with at least one of the plurality of communication ports of said second device” as in Claims 1, 21 and 24. Rather, the RS-232 Port 47 only couples the Monitoring Device 18 with a node computer 30 and does not couple with the network (power line 12), which is connected to other Monitoring Devices 18. Therefore, even if one considers the alleged admission of prior art, all that is disclosed by that admission is a plurality of communication ports, which may have already been disclosed in McRae as discussed above. There is no disclosure of a plurality of communications ports that each communicate with another device. Acknowledging that communication ports may be industry standard does not disclose that those ports must communicate with a second device as in Claims 1, 21 and 24. Although McRae discloses a plurality of ports in a monitoring device, it also fails to disclose a plurality of ports that communicate with another monitoring device as in the independent Claims 1 21, and 24.

McRae does disclose that the “power line 12 and RS-232 links 23 and 32 are the communication paths in the network.” McRae, Col. 5, ll. 2-3. However, as discussed above and as shown in Figure 1 of McRae, communication path 32 only connects the Monitoring Device 18 with a node computer 30. McRae, Figure 1. There is a network established, but *only* between the Monitoring Device 18 with a node computer 30. McRae, Figure 1.

Accordingly, the communications port associated with communications path 32 only connects with one device, and not a plurality of devices. Although communications path 32 may establish a network with one device, it cannot connect with a plurality of devices as in claims 1, 21 and 24. McRae, Figure 1. Accordingly, there is no disclosure of a plurality of communication ports that communicate with a plurality of devices as in claims 1, 21, and 24.

The Applicant respectfully notes that paragraph 80 of the substitute specification is located in the “DETAILED DESCRIPTION OF THE PRESENTLY PREFERRED EMBODIMENTS” section of the application. Paragraph 80, lines 1-3 discusses a phasor array processor according to one embodiment of the current disclosure:

The phasor array processor is preferably equipped with suitable hardware, such as RS-232, RS-485, ethernet or other industry standard communications ports, so that it is network-compatible with the network 60.

This disclosure is not an admission of prior art, but rather a description of an embodiment of the current disclosure. The plurality of communication ports, such as any of the industry standard communication ports, in multiple devices is part of an embodiment disclosed in the description of the presently preferred embodiments. Specifically, the Applicant is stating that in one embodiment, the communication ports may be industry standard communication ports as listed in lines 1-2. Further, as discussed above, the claims disclose that *each* of a plurality of communication ports communicates with another device. Merely acknowledging that the communication ports may include industry standard communication ports is not an admission of the prior art, but only an admission that communication ports may be industry standard communication ports. In addition, it is true that McRae already discloses communication ports, however, as discussed above, McRae fails to disclose a plurality of communication ports operable to send and receive communications over a digital network and communicate with another device as in the claims.

The Examiner has further cited Schurig, Allfather and Banaska as references related to communication ports. However, as with the discussion above related to the alleged admission of prior art, a mere disclosure of communication ports is not a disclosure of a communication port “operable to communicate with at least one of the plurality of

communication ports of said second device” as in Claims 1, 21 and 24. The mere fact that a communication port exists that may communicate with multiple communication ports or devices does not make it obvious that the such a port is used in McRae. In fact, the device in McRae teaches away from such a combination because it clearly shows the RS-232 Port 47 only couples the Monitoring Device 18 with a node computer 30 and does not couple with the network (power line 12), which is connected to other Monitoring Devices 18. McRae, Figure 1.

Accordingly, it would not be obvious to combine McRae with any reference merely disclosing multiple communication ports because McRae already discloses multiple communication ports, but fails to disclose that those ports are operable to communicate over the network with a *second* device. For at least these reasons, McRae does not anticipate independent Claims 1, 21 and 24. Accordingly, Applicant requests that the Examiner withdraw this rejection of Claims 1, 21 and 24.

Dependent claims 3-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McRae in view of the Applicant’s admissions of prior art. Dependent claims 3-20 should be allowed for the reasons discussed above regarding independent claims 1 and 21. Applicant therefore requests that the Examiner withdraw this rejection to the claims.

Applicant would like to reserve the argument that McRae is not prior art. This application is a divisional of U.S. Pat. No. 6,694,270, which claims priority to U.S. Pat. No. 5,650,936, filed on December 30, 1994. Therefore, this application claims priority to December 30, 1994, whereas McRae was filed August 30, 1996 and issued January 12, 1999. However, regardless whether McRae is prior art, McRae fails to disclose all of the elements of the claims as discussed above.

B. McRae in view of Applicant’s Admissions of prior art and Macrodyne

Dependent claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over McRae in view of the applicant’s admission of the prior art and further in view of Macrodyne. This claim should be allowed for the reasons set forth above for independent claim 1. Neither McRae nor Macrodyne disclose all of the limitations of the independent

claim from which claim 2 depends. Specifically, McRae and Macrodyne fail to disclose a device with independent communication parameters for each communication port. In addition, there is no disclosure of a first device with a plurality of communication ports coupled to a digital network, wherein the plurality of ports are operable to communicate with a communication port from a second device. As discussed above, even if we assume the Applicant's disclosure was an admission of the prior art, there is no disclosure of a plurality of ports that are operable to communicate with a second device. Accordingly, the Applicant requests that the Examiner withdraw this rejection of dependent claim 2.

C. McRae in view of Burnett Jr., et. al.

Dependent claims 22 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McRae in view of Applicant's admissions of the prior art. These claims should be allowed for the reasons set forth above for independent claim 21. Neither McRae nor Burnett disclose all of the limitations of the independent claim from which claims 22 or 23 depend. In particular, McRae and Burnett fails to disclose a device with independent communication parameters for each communication port. In addition, there is no disclosure of a first device with a plurality of communication ports coupled to a digital network, wherein the plurality of ports are operable to communicate with a communication port from a second device. As discussed above, even if we assume the Applicant's disclosure was an admission of the prior art, there is no disclosure of a plurality of ports that are operable to communicate with a second device. Accordingly, the Applicant requests that the Examiner withdraw these rejections of dependent claims 22 and 23.

II. CONCLUSION

Each of the rejections in the Office Action dated September 15, 2006 has been addressed and no new matter has been added. Applicant submits that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

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